# UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

| LITIGATION                |
|---------------------------|
| This Document Relates to: |

Case No. 0:18-cv-1776 (JRT/JFD)

STIPULATION REGARDING COMPLETION OF CERTAIN WRITTEN DISCOVERY

All Actions

Direct Purchaser Plaintiffs; Commercial Indirect Purchaser Plaintiffs; Consumer Indirect Purchaser Plaintiffs; the Commonwealth of Puerto Rico; and Direct Action Plaintiffs (collectively "Plaintiffs"), and Defendants Agri Stats, Inc. ("Agri Stats"); Clemens Food Group, LLC, Clemens Family Corporation ("Clemens"); Hormel Foods Corporation, Hormel Foods, LLC ("Hormel"); JBS USA Food Company ("JBS"); Seaboard Foods, LLC ("Seaboard"); Smithfield Foods, Inc. ("Smithfield"); and Triumph Foods, LLC ("Triumph"); Tyson Foods, Inc., Tyson Prepared Foods, Inc., Tyson Fresh Meats, Inc. ("Tyson") (collectively "the Stipulating Defendants") (and together, the "Stipulating Parties"), reserving all rights, state as follows:

The Stipulating Parties previously entered a stipulation permitting certain discovery to be completed after the October 31, 2022 deadline for the completion of fact discovery. See ECF No. 1576. That stipulation required written responses to certain interrogatories and requests for admission no later than January 18, 2023. See id. ¶7(a). The Court approved the stipulation in an order. See ECF No. 1582.

The Stipulating Parties have met and conferred, and they agree the deadline to provide such written responses shall be extended by one week, to January 25, 2023. Such an extension will not delay the progress of the litigation, and it is appropriate under the facts and circumstances of this complex litigation.

Therefore, the Stipulating Parties hereby stipulate and agree that the deadline to provide written responses to the remaining interrogatories and requests for admission, *see* ECF No. 1576 ¶ 7(a), shall be extended until January 25, 2023.

#### IT IS SO STIPULATED.

DATED: January 18, 2023 Respectfully submitted,

#### HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/Shana E. Scarlett
SHANA E. SCARLETT
Rio Pierce
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
shanas@hbsslaw.com
riop@hbsslaw.om

Steve W. Berman
Breanna Van Engelen
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, Washington 98101

Telephone: (206) 623-7292 Facsimile: (206) 623-0594 steve@hbsslaw.com breannav@hbsslaw.com Elaine T. Byszewski HAGENS BERMAN SOBOL SHAPIRO LLP 301 N. Lake Ave., Suite 920 Pasadena, CA 91101 Telephone: (213) 330-7150 elaine@hbsslaw.com

Daniel E. Gustafson (#202241)
Daniel C. Hedlund (#258337)
Michelle J. Looby (#388166)
Joshua J. Rissman (#391500)
GUSTAFSON GLUEK PLLC
120 South 6th Street, Suite 2600
Minneapolis, MN 55402
Telephone: (612) 333-8844
Facsimile: (612) 339-6622
dgustafson@gustafsongluek.com
dhedlund@gustafsongluek.com
mlooby@gustafsongluek.com
jrissman@gustafsongluek.com

Counsel for Consumer Indirect Purchaser Plaintiffs

# /s/ Joseph C. Bourne

Joseph C. Bourne (MN #0389922)
W. Joseph Bruckner (MN #0147758)
Brian D. Clark (MN #0390069)
Arielle S. Wagner (MN #0398332)
Stephen M. Owen (MN # 0399370)
LOCKRIDGE GRINDAL NAUEN P.L.L.P.
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401
T: (612) 339-6900
jcbourne@locklaw.com
wjbruckner@locklaw.com
bdclark@locklaw.com
bdclark@locklaw.com
smowen@locklaw.com

### /s/ Bobby Pouya

Bobby Pouya
Clifford H. Pearson
Daniel L. Warshaw
Michael H. Pearson
PEARSON WARSHAW, LLP
15165 Ventura Boulevard, Suite 400
Sherman Oaks, CA 92403
T: (818) 788-8300
cpearson@pswlaw.com
dwarshaw@pswlaw.com
bpouya@pswlaw.com
mpearson@pswlaw.com

Melissa S. Weiner (MN #0387900) PEARSON WARSHAW, LLP 800 LaSalle Avenue, Suite 2150 Minneapolis, MN 55402 T: (612) 389-0600 mweiner@pswlaw.com

Bruce L. Simon
Benjamin E. Shiftan
Neil Swartzberg
PEARSON WARSHAW, LLP
350 Sansome Street, Suite 680
San Francisco, CA 94104
T: (415) 433-9000
F: (415) 433-9008
bsimon@pswlaw.com
bshiftan@pswlaw.com
nswartzberg@pswlaw.com

Co-Lead Class Counsel for Direct Purchaser Plaintiffs

# /s/ Shawn M. Raiter

Shawn M. Raiter (MN# 240424) LARSON • KING, LLP 2800 Wells Fargo Place 30 East Seventh Street St. Paul, MN 55101 T: (651) 312-6518 sraiter@larsonking.com

#### /s/ Blaine Finley

Jonathan W. Cuneo
Joel Davidow
Blaine Finley
CUNEO GILBERT & LADUCA, LLP
4725 Wisconsin Avenue NW, Suite 200
Washington, DC 20016
T: (202) 789-3960
jonc@cuneolaw.com
joel@cuneolaw.com
bfinley@cuneolaw.co

Co-Lead Counsel for Commercial and Institutional Indirect Purchaser Plaintiffs

#### /s/ Kyle G. Bates

Kyle G. Bates HAUSFELD LLP 600 Montgomery Street, Suite 3200 San Francisco, CA 94111 T: (415) 633-1908 kbates@hausfled.com

Peter B. Schneider
SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS LLP
3700 Buffalo Speedway, Suite 300
Houston, Texas 77098
T: (713) 338-2560
F: (415)421-7105
pschneider@schneiderwallace.com

Todd M. Schneider
Matthew S. Weiler
SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS LLP
2000 Powell St., Suite 1400
Emeryville, California 94608
T: (415) 421-7100
tschneider@schneiderwallace.com
mweiler@schneiderwallace.com

Garrett W. Wotkyns SCHNEIDER WALLACE COTTRELL KONECKY WOTKYNS LLP 8501 N. Scottsdale Road, Suite 270 Scottsdale, Arizona 85253 T: (480) 428-0145 gwotkyns@schneiderwallace.com

Domingo Emanuelli-Hernández
Attorney General
Guarionex Díaz Martínez
Assistant Attorney General
Antitrust Division
Puerto Rico Department of Justice
P.O. Box 9020192
San Juan, Puerto Rico 00902-0192
T: (787) 721-2900, ext. 2600, 2601
F: (787) 721-3223
gdiaz@justicia.pr.gov

Counsel for the Commonwealth of Puerto Rico

### /s/ Robert N. Kaplan

Robert N. Kaplan Matthew P. McCahill Jason A. Uris

# KAPLAN FOX & KILSHEIMER, LLP

850 Third Avenue, 14th Floor New York, New York 10022 T: (212) 687-1980 rkaplan@kaplanfox.com mmccahill@kaplanfox.com juris@kaplanfox.com

# /s/ Richard L. Coffman

Richard L. Coffman

THE COFFMAN LAW FIRM

3355 W. Alabama St., Suite 240

Houston, Texas 77098

T: (713) 528-6700

rcoffman@coffmanlawfirm.com

# /s/ Eric R. Lifvendahl

Eric R. Lifvendahl

#### L&G LAW GROUP, LLP

175 W. Jackson Blvd., Suite 950 Chicago, Illinois 60604 T: (312) 364-2500 elifvendahl@lgcounsel.com

# /s/ Bernard D. Marcus

Bernard D. Marcus Moira Cain-Mannix Brian C. Hill

# MARCUS & SHAPIRA LLP

One Oxford Center, 35th Floor Pittsburgh, Pennsylvania 15219 T: (412) 471-3490 marcus@marcus-shapira.com cain-mannix@marcus-shapira.com hill@marcus-shapira.com

Counsel for MDL DAPs Action Meat Distributors, Inc., Topco Associates, LLC, Alex Lee, Inc./Merchants Distributors, LLC, Associated Food Stores, Inc., Brookshire Grocery Company, Colorado Boxed Beef Co., Certco, Inc., The Golub Corporation, Nicholas & Co., PFD Enterprises, Inc., SpartanNash Company, Springfield Grocer Company, The Distribution Group d/b/a Van Eerden Foodservice Co., Troyer Foods, Inc., URM Stores, Inc., and Giant Eagle, Inc

#### /s/ David C. Eddy

David C. Eddy Dennis J. Lynch Travis C. Wheeler

### **NEXSEN PRUET, LLC**

1230 Main Street, Suite 700
Columbia, South Carolina 29201
T: (803) 771-8900
deddy@nexsenpruet.com
dlynch@nexsenpruet.com
twheeler@nexsenpruet.com

Counsel for MDL DAPs Conagra Brands.

Inc., Nestlé USA, Inc.; Nestlé Purina PetCare

Co.; Compass Group USA, Inc.; and Howard

B. Samuels, solely as Chapter 7 Trustee of the

estate of Central Grocers, Inc.

# <u>/s/ Patrick J. Ahern</u>

Patrick J. Ahern

# AHERN & ASSOCIATES, P.C.

Willoughby Tower 8 South Michigan Avenue, Suite 3600 Chicago, Illinois 60603 T: (312) 404-3760 patrick.ahern@ahernandassociatespc.com

Counsel for Plaintiffs Winn-Dixie Stores, Inc.; Bi-Lo Holdings, LLC; and Kraft Heinz Foods Company

#### /s/ David B. Esau

David B. Esau Kristin A. Gore Garth T. Yearick Amanda R. Jesteadt

#### **CARLTON FIELDS, P.A.**

ajesteadt@carltonfields.com

525 Okeechobee Boulevard, Suite 1200 West Palm Beach, Florida 33401 T: (561) 659-7070 F: (561) 659-7368 desau@carltonfields.com kgore@carltonfields.com gyearick@carltonfields.com

# Roger S. Kobert

405 Lexington Avenue, 36th Floor New York, New York 10174-3699 T: (212) 785-2577 F: (212) 785-5203 rkobert@carltonfields.com

Aaron A. Holman Chelsey J. Clements 200 S. Orange Avenue, Suite 1000 Orlando, Florida 32801 T: (407) 849-0300 F: (407) 648-9099 aholman@carltonfields.com cclements@carltonfields.com

Scott L. Menger 2029 Century Park East, Suite 1200 Los Angeles, California 90067 T: (310) 843-6300 F: (301) 843-6301 smenger@carltonfields.com

Counsel for Cheney Brothers, Inc.; Subway Protein Litigation Corp., as Litigation Trustee of the Subway® Protein Litigation Trust; Buffalo Wild Wings, Inc.; Jimmy John's Buying Group SPV, LLC; Sonic Industries Services Inc.; CKE Restaurants Holdings, Inc.; Wawa, Inc.; and Restaurant Services, Inc.

### /s/ Philip J. Iovieno

Philip J. Iovieno

Nicholas A. Gravante, Jr.

Lawrence S. Brandman

Jack G. Stern

Gillian Groarke Burns

Mark A. Singer

Elizabeth R. Moore

# CADWALADER, WICKERSHAM & TAFT LLP

200 Liberty Street

New York, New York 10281

T: (212) 504-6000

philip.iovieno@cwt.com

nicholas.gravante@cwt.com

lawrence.brandman@cwt.com

jack.stern@cwt.com

gillian.burns@cwt.com

mark.singer@cwt.com

elizabeth.moore@cwt.com

# Counsel for MDL DAPs Jetro Holdings, LLC

and BJ's Wholesale Club, Inc. and Co-Counsel for Plaintiffs Kraft Heinz Foods Company; Winn-Dixie Stores, Inc.; and Bi-

Lo Holdings, LLC

#### By: /s/ Samuel J. Randall

Richard Alan Arnold

William J. Blechman

Kevin J. Murray

Douglas H. Patton

Samuel J. Randall

Michael A. Ponzoli

#### /s/ Scott E. Gant

Scott E. Gant

Michael S. Mitchell

#### **BOIES SCHILLER FLEXNER LLP**

1401 New York Ave., NW

Washington, DC 20005

T: 202-237-2727

sgant@bsfllp.com

mmitchell@bsfllp.com

#### Colleen Harrison

#### BOIES SCHILLER FLEXNER LLP

333 Main Street

Armonk, New York 10504

T: (914) 749-8204

charrison@bsfllp.com

#### Sarah L. Jones

#### **BOIES SCHILLER FLEXNER LLP**

725 South Figueroa Street

Los Angeles, California 90017

sjones@bsfllp.com

# Counsel for MDL DAPs Sysco Corporation

and Amory Investments LLC

#### By: /s/ David P. Germaine

Paul E. Slater

Joseph M. Vanek

David P. Germaine

Phillip F. Cramer

Alberto Rodriguez

Jeffrey H. Bergman

#### SPERLING & SLATER, LLC

55 West Monroe Street, Suite 3200

Chicago, Illinois 60603

T: (312) 641-3200

#### KENNY NACHWALTER, P.A.

1441 Brickell Avenue, Suite 1100 Miami, Florida 33131 T: (305) 373-1000 F: (305) 372-1861 rarnold@knpa.com wblechman@knpa.com kmurray@knpa.com dpatton@knpa.com srandall@knpa.com mponzoli@knpa.com

F: (312) 641-6492 pes@sperling-law.com jvanek@sperling-law.com dgermaine@sperling-law.com pcramer@sperling-law.com arodriguez@sperling-law.com jbergman@sperling-law.com

Counsel for The Kroger Co., Albertsons Companies, Inc., Hy-Vee, Inc., Save Mart Supermarkets, and US Foods, Inc.

By: /s/ Christopher P. Wilson

William C. Lavery Christopher P. Wilson Danielle Morello Wyatt M. Carlock

#### BAKER BOTTS LLP

700 K Street NW
Washington, DC 20001
Telephone: (202) 639-7700
Facsimile: (202) 539-7890
william.lavery@bakerbotts.com
christopher.wilson@bakerbotts.com
danielle.morello@bakerbotts.com
wyatt.carlock@bakerbotts.com

Counsel for Direct Action Plaintiffs
Associated Grocers of the South, Inc.,
Dollar
General Corporation, Dolgencorp, LLC,
Meijer, Inc., Meijer Distribution, Inc.,
Publix
Super Markets, Inc., Raley's, United
Natural
Foods, Inc., Supervalu, Inc., Associated
Grocers of Florida, Inc., Unified Grocers,
Inc., Tony's Fine Foods, and Wakefern
Food Co.

Counsel for Direct Action Plaintiff ALDI Inc.

/s/ Tiffany Rider Rohrbaugh Rachel J. Adcox (pro hac vice) Tiffany Rider Rohrbaugh (pro hac vice) Lindsey Strang Aberg (pro hac vice) Brandon Boxbaum (pro hac vice) Allison Vissichelli (pro hac vice) Keith Holleran (pro hac vice) AXINN, VELTROP & HARKRIDER LLP 1901 L Street NW Washington, DC 20036 (202) 912-4700 radcox@axinn.com trider@axinn.com lstrang@axinn.com bboxbaum@axinn.com avissichelli@axinn.com kholleran@axinn.com

Jarod Taylor (pro hac vice)
AXINN, VELTROP & HARKRIDER LLP
90 State House Square
Hartford, CT 06103
(860) 275-8109
jtaylor@axinn.com

Kail Jethmalani (pro hac vice)
Craig M. Reiser (pro hac vice)
Andrea Rivers (pro hac vice)
Victoria J. Lu (pro hac vice)
AXINN, VELTROP & HARKRIDER LLP
114 West 47th Street
New York, NY 10036
(212) 728-2200
kjethmalani@axinn.com
creiser@axinn.com
arivers@axinn.com
vlu@axinn.com

David P. Graham (#0185462) DYKEMA GOSSETT PLLC 4000 Wells Fargo Center 90 South Seventh Street Minneapolis, MN 55402 (612) 486-1521 dgraham@dykema.com

Counsel for Tyson Foods, Inc., Tyson Prepared Foods, Inc. and Tyson Fresh Meats, Inc.

# /s/ Mark L. Johnson

Mark L. Johnson (#0345520)
Davida S. McGhee (#0400175)
GREENE ESPEL PLLP
222 South Ninth Street, Suite 2200
Minneapolis, MN 55402
(612) 373-0830
mjohnson@greeneespel.com
dwilliams@greeneespel.com

Daniel Laytin, P.C. (pro hac vice) Christa Cottrell, P.C. (pro hac vice) KIRKLAND & ELLIS LLP 300 North LaSalle Chicago, IL 60654 (312) 861-2000 daniel.laytin@kirkland.com christa.cottrell@kirkland.com

Counsel for Clemens Food Group, LLC and The Clemens Family Corporation <u>/s/ Craig. S. Coleman</u>

Richard A. Duncan (#0192983) Aaron D. Van Oort (#0315539) Craig S. Coleman (#0325491) Emily E. Chow (#0388239) Isaac B. Hall (#0395398) FAEGRE DRINKER BIDDLE & REATH LLP 2200 Wells Fargo Center 90 South Seventh Street Minneapolis, MN 55402-3901 (612) 766-7000 richard.duncan@faegredrinker.com aaron.vanoort@faegredrinker.com craig.coleman@faegredrinker.com emily.chow@faegredrinker.com isaac.hall@faegredrinker.com

Jacob D. Bylund (pro hac vice)
Stephanie A. Koltookian (pro hac vice)
Robert C. Gallup (#0399100)
FAEGRE DRINKER BIDDLE &
REATH LLP
801 Grand Ave., 33rd Floor
Des Moines, IA 50309
(515) 248-9000
jacob.bylund@faegredrinker.com
stephanie.koltookian@faegredrinker.com
robert.gallup@faegredrinker.com

Jonathan H. Todt (*pro hac vice*) FAEGRE DRINKER BIDDLE & REATH LLP 1500 K Street NW, Suite 1100 Washington, DC 20005

(202) 842-8800 jonathan.todt@faegredrinker.com

John S. Yi (pro hac vice) FAEGRE DRINKER BIDDLE & REATH LLP One Logan Square, Suite 2200 Philadelphia, PA 19103 (215) 988-2700 john.yi@faegredrinker.com

# /s/ Peter H. Walsh

Peter H. Walsh (#0388672) HOGAN LOVELLS US LLP 80 South Eighth Street, Suite 1225 Minneapolis, MN 55402 (612) 402-3000 peter.walsh@hoganlovells.com

William L. Monts (pro hac vice) Justin W. Bernick (pro hac vice) HOGAN LOVELLS US LLP Columbia Square 555 Thirteenth Street, NW Washington, D.C. 20004 (202) 637-5600 william.monts@hoganlovells.com justin.bernick@hoganlovells.com

### Counsel for Agri Stats, Inc.

# Counsel for Hormel Foods Corporation

/s/ Christopher A. Smith

Aaron Chapin (#0386606) Christopher A. Smith (pro hac vice) Tessa K. Jacob (pro hac vice) A. James Spung (pro hac vice) Jason Husgen (pro hac vice) Sarah L. Zimmerman (MDL registered) Kate Ledden (MDL registered) Tanner Cook (MDL registered) HUSCH BLACKWELL LLP 190 Carondelet Plaza, Ste 600 St. Louis, MO 63105 Telephone: (314) 480-1500 aaron.chapin@huschblackwell.com chris.smith@huschblackwell.com tessa.jacob@huschblackwell.com james.spung@huschblackwell.com jason.husgen@huschblackwell.com

# Counsel for Triumph Foods, LLC

kate.ledden@huschblackwell.com tanner.cook@huschblackwell.com

sarah.zimmerman@huschblackwell.com

#### /s/ William L. Greene

William L. Greene (#0198730) Peter J. Schwingler (#0388909) William D. Thomson (#0396743) STINSON LLP 50 South Sixth Street, Suite 2600 Minneapolis, MN 55402

#### /s/ Jessica J. Nelson

Donald G. Heeman (#0286023) Jessica J. Nelson (#0347358) Randi J. Winter (#0391354) SPENCER FANE LLP 100 South Fifth Street, Suite 1900 Minneapolis, MN 55402-4206

(612) 335-1500 william.greene@stinson.com peter.schwingler@stinson.com william.thomson@stinson.com

J. Nicci Warr (pro hac vice) STINSON LLP 7700 Forsyth Blvd., Suite 1100 St. Louis, MO 63105 (314) 863-0800 nicci.warr@stinson.com

# Counsel for Seaboard Foods LLC and Seaboard Corporation

(612) 268-7000 dheeman@spencerfane.com jnelson@spencerfane.com rwinter@spencerfane.com

Stephen R. Neuwirth (pro hac vice)
Michael B. Carlinsky (pro hac vice)
Sami H. Rashid (pro hac vice)
Richard T. Vagas (pro hac vice)
David B. Adler (pro hac vice)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
(212) 849-7000
stephenneuwirth@quinnemanuel.com
michaelcarlinsky@quinnemanuel.com
richardvagas@quinnemanuel.com
davidadler@quinnemanuel.com

# Counsel for JBS USA Food Company

# /s/ John A. Cotter

John A. Cotter (#0134296)
John A. Kvinge (#0392303)
LARKIN HOFFMAN DALY &
LINDGREN LTD.
8300 Norman Center Drive, Suite 1000
Minneapolis, MN 55427-1060
(952) 835-3800
jcotter@larkinhoffman.com
jkvinge@larkinhoffman.com

Richard Parker (pro hac vice)
Josh Lipton (pro hac vice)
GIBSON, DUNN &CRUTCHER, LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5306
(202) 955-8500
rparker@gibsondunn.com
jlipton@gibsondunn.com

Brian Robison (*pro hac vice*) BROWN FOX PLLC 6303 Cowboys Way, Suite 450 Frisco, TX 75034 (972) 707-1809 brian@brownfoxlaw.com

Counsel for Smithfield Foods, Inc.